UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,178	03/11/2002	Harald Martin	P21939	4568

7055 7590 06/29/2004

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER	
RODRIGUEZ, JOSEPH C	

ART UNIT	PAPER NUMBER
3653	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/030,178	MARTIN ET AL.	
	Examiner	Art Unit	
	Joseph C Rodriguez	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-11 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6/11/02; 5/01/02.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to for improper language. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding these claims, the phrase "shaft-like" (claim 1, ln. 3) renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "shaft-like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Claim 2 recites the limitation "the recoverable waste products" (ln .1). There is insufficient antecedent basis for this limitation in the claim. Further, it is unclear if Applicant is defining said products as multiple items, or otherwise.

Further, it is noted that Applicant attempted to add claims 7-17 in the amendment of 6/11/02, but only claims 1-11 were presented by the amendment.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5, 7 and 10-11 are rejected under 35 U.S.C. 102(b) as anticipated by Uemura et al. ("Uemura")(US '806) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sawai et al. ("Sawai")(JP '309 A).

Uemura teaches a process comprising introducing waste products into a chamber (Fig. 1, 2, near 28 or Fig. 10, near 74); introducing air into said chamber substantially axially (Fig. 1, 2, near 16, 19 or Fig. 10, near 84, 86, 88); introducing waste

gases into said chamber substantially tangentially (near 16, 24; col. 6, ln. 32-49 or thru 82, col. 9, ln. 43-col. 10, ln. 48) and then downwardly discharging decomposed products (near 25). Here, the oxidizing gas taught by Uemura can be regarded as a waste gas as Uemura teaches recycling and reusing said exhaust gas as said oxidizing gas (col. 9, ln. 43-col. 10, ln. 48).

Uemura as set forth above teaches all that is claimed. However, under an alternative interpretation, the oxidizing gas may not be regarded as exhaust gas in the first embodiment cited above, thus introducing waste gas may not be taught. Uemura, however, already expressly teaches that it is more efficient to re-use the exhaust gas as the oxidizing gas (col. 9, ln. 43-col. 10, ln. 48; see also alternate embodiment as cited above). Sawai also teaches that it is more efficient to recycle and feed exhaust gas into an incinerating chamber to make use of the residual oxygen in said exhaust gas during waste product treatment (English Abstract). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Uemura by introducing exhaust gas into said chamber for a more efficient waste handling process.

Claims 4, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uemura in view of Sawai as applied to claims1-3, 5, 7 and 10-11 above, and further in view of what is well known in the art.

Uemura in view of Sawai as set forth above teach all that is claimed except for expressly teaching preheating said air and delivering said air under a specific pressure

range. These features, however, are well known in the waste product treatment arts and Examiner takes Official notice of such. Moreover, the pressure and temperature in a heated system are two of the most well-known and varied design parameters during waste product handling and is unlikely to be the basis of patentability. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Uemura in view of Sawai as is well known in the art.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C Rodriguez whose telephone number is **703-308-8342**. The examiner can normally be reached on M-F during normal business hours (9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **703-872-9326** (After-Final **703-972-9327**).

The **UnOfficial** fax phone number for the organization where this application or proceeding is assigned is **703-306-2571 or 703-308-6552**.

The examiner's **UNOFFICIAL Personal fax number** is **703-746-3678**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

***

June 22, 2004

DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600